

**Chapter 596: Overboard Discharges: ~~Licensing, Relicensing, Transfer, And~~  
Licensing And Abandonment Of Licenses**

SUMMARY: This ~~rulechapter~~ describes the criteria for issuing~~of~~ licenses for overboard discharges. Existing overboard discharge licenses may be renewed if there is no alternative way of disposing of the waste-water and the discharge does not ~~enter a redeemable shellfish growing area or a river or affect water quality or enter a~~ stream of insufficient volume or flow rate. ~~Discharges under licenses that may not be renewed will be issued a conditional permit, allowing the discharge to continue until the State notifies the license holder that a state funded project is available for installation of an alternative method of waste water disposal.~~

This ~~rulechapter~~ also explains the procedure for transfer, re-opening and abandonment of overboard discharge licenses.

**~~A. Definitions.~~** The terms used in this rule are defined as follows:

**~~1. Closed Shellfish Harvesting Area.~~** A "Closed Shellfish Harvesting Area" is a shellfish harvesting area where the harvesting, storage, processing or cultivation of shellfish has been temporarily or permanently prohibited by the Department of Marine Resources.**1. Applicability of Chapter 2.**

Unless specified differently in this chapter, the requirements in the Maine Department of Environmental Protection's (Department) *Rules Concerning the Processing of Applications and Other Administrative Matters* 06-096 CMR 2 (April 1, 2003), apply to overboard discharge applications.

**2. Applicability of Other Regulations.** Unless specified differently in this rule or found to be not applicable due to the nature and type of discharge, the requirements of Chapters 520-529 concerning the regulation and processing of waste discharge applications, apply to overboard discharges.

**3. Definitions.** The terms used in this chapter are defined as follows.

**A. Blackwater.** "Blackwater" is wastewater containing domestic pollution that includes human excrement and urine.

**2.B. Domestic Pollutants.** "Domestic Pollutants" are any materials including, without limitations, sanitary wastes, waste water from household activities or waste-waters with similar chemical characteristics, which are generated at residential or commercial locations.

**C. Facility.** "Facility" includes all structures that are assigned wastewater discharge volumes according to the Maine Subsurface Waste Water Disposal Rules (Subsurface Rules) 10-144 CMR 241, connected to the waste discharge system or will use it during normal operation.

**3.D. Graywater.** "Graywater" is waste-water containing domestic pollutants excluding human excrement and~~or~~ urine.

**4. Non-point Source of Pollution.** ~~"Non-point Source of Pollution" is pollution caused by diffuse sources that are not regulated as point sources and normally associated with agricultural,~~

~~silvicultural and urban runoff, runoff from construction activities, malfunctioning subsurface waste water disposal systems, and other similar sources.~~

~~**5. Open Shellfish Harvesting Area.** An "Open Shellfish Harvesting Area" is a shellfish harvesting area which has been designated by the Department of Marine Resources as a "Restricted Shellfish Harvesting Area", a "Conditionally Restricted Shellfish Harvesting Area", an "Approved Shellfish Harvesting Area", or a "Conditionally Approved Shellfish Harvesting Area". The terms used in this definition are from the National Shellfish Sanitation Program, Manual of Operation, Part 1, Sanitation of Shellfishing Growing Areas and are defined as follows:~~

~~(a) An "Approved Shellfish Growing Area" is a shellfish harvesting area which has been approved by the Department of Marine Resources for growing or harvesting shellfish for direct marketing. An approved shellfish growing area may be temporarily made a closed area when a public health emergency resulting from, for instance, a hurricane or flooding, is declare.~~

~~(b) A "Conditionally Approved Shellfish Growing Area" is a shellfish harvesting area determined by the Department of Marine Resources to meet approved area criteria for a predictable period. The period is conditional upon established performance standards specified in a management plan. A conditionally approved shellfish harvesting area is a closed area when the area does not meet the approved harvesting area criteria and is temporarily closed by the Department of Marine Resources.~~

~~(c) A "Conditionally Restricted Shellfish Harvesting Area" is a shellfish harvesting area determined by the Department of Marine Resources to meet restricted area criteria for a predictable period. The period is conditional upon established performance standards specified in a management plan. A conditionally restricted shellfish harvesting area is a closed area when the area does not meet the restricted growing area criteria and is temporarily closed by the Department of Marine Resources.~~

~~(d) A "Restricted Shellfish Harvesting Area" is a shellfish harvesting area determined by the Department of Marine Resources to be an area from which shellfish may be harvested only if permitted and subjected to a suitable and effective purification process.~~**E. Licensee.** The person, persons, or legal entity identified on the license.

~~**6.F. Overboard Discharge.** An "Overboard Discharge" is a discharge to the surface waters of the State of domestic pollutants not conveyed to and treated in municipal or quasi-municipal sewerage treatment facilities.~~

~~**7. Redeemable Shellfish Harvesting Area.** A "Redeemable Shellfish Harvesting Area" is a shellfish harvesting area which is closed by order of the Department of Marine Resources but which the Department of Marine Resources has determined to be redeemable according to the following criteria:~~

~~(a) there exists no known significant non-point sources of pollution to the shellfish growing area; and~~

~~(b) The removal of one or more overboard discharges would lead to the redesignation by the Department of Marine Resources of the harvesting area as an open shellfish harvesting area.~~**G.**

**Public Nuisance Condition.** A public nuisance condition means an existing overboard discharge to a receiving water that is:

- (1) A Class GPA, AA, A, or SA water;
- (2) A tributary to Class GPA water;
- (3) A waterbody with a drainage area of less than 10 square miles; or
- (4) Contribute to a violation of Maine's Water Classification Laws 38 M.R.S.A. §§ 464 to 470.

**8.H. Seasonal Residential Overboard Discharge.** A "Seasonal Residential Overboard Discharge" means an overboard discharge from a human habitation ~~with that~~ is occupied for less than ~~68~~ months in any calendar year.

**9.I. Shellfish Harvesting Area.** A "Shellfish Harvesting Area" is an area where shellfish, including any species of clams, quahogs, mussels and oysters are or may be located, including known productive areas; areas where shellfish may be found; habitat where it is reasonable to assume shellfish may be found in the future; and, areas where shellfish may be stored (wet storage), processed or cultivated, as determined by the Department of Marine Resources.

**10.I. Year-round Residential Overboard Discharge.** A "year-round residential overboard discharge" means an overboard discharge from a human habitation that is continuously occupied for ~~68~~ months or more in any calendar-year.

#### **B.4. Previously Unlicensed Overboard Waste Discharges**

**1.A. License Qualification.** The Department shall issue a license for an existing but previously unlicensed overboard discharge only if all of the following criteria are met.

- (a)(1) The applicant demonstrates with ~~clear and convincing~~ evidence acceptable to the Department that an overboard discharge was in continuous existence for the 12 months preceding June 1, 1987; ~~and.~~
- (b)(2) The applicant demonstrates to the Department's satisfaction that a subsurface wastewater disposal system cannot be installed in compliance with the ~~Maine Subsurface Waste Water Disposal Rules~~ Subsurface Rules, 10-144 CMR 241, on land owned or controlled by the applicant; ~~and.~~
- (c)(3) A publicly owned sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use; ~~and.~~
- (d)(4) The discharge is not located within the boundaries of a sanitary or sewer district and the district has not agreed to service and maintain a holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district; ~~and.~~

~~(e)~~(5) The discharge is not a seasonal residential overboard discharge located on the mainland or on any island connected to the mainland by vehicle bridge or scheduled car ferry service; and.

~~(f)~~(6) The receiving water is not:

~~(i)~~—A shellfish harvesting area.

~~(ii)~~(a) A Class GPA, AA, A, or SA water;

~~(iii)~~(b) A tributary to Class GPA water; or

~~(iv)~~(c) A waterbody with a drainage area of less than 10 square miles; and.

~~(g)~~ Removal of the discharge alone or in combination with other discharges will not result in an increase in the dissolved oxygen level of the receiving water of at least one part per million; and

~~(h)~~—(7) The discharge meets the requirements of *Maine's Pollution Control Laws* 38 M.R.S.A. §§ 414-A, *Maine's Water Classification Laws* 38 M.R.S.A. §§ 464 to 470.

~~(i)~~(8) The discharge receives best practicable treatment consistent with requirements included under pursuant to Section ~~(K)~~10 of this Chapter; and.

**B. Prohibited Increases.** The addition of wastewater from a structure that was not in continuous existence for 12 months preceding June 1, 1987 is prohibited. The waste discharge license discharge volume will be equal to the actual or estimated volume produced by the facility connected to the overboard discharge system during the 12 months prior to June 1, 1987.

**C. Treatment System Installation.** A waste discharge license may not be issued unless the waste water treatment facilities are constructed and operable.

**D. License Disqualification.** Any applicant for a new waste discharge license who fails to satisfy criteria contained in Section 4, Paragraph(A)(1 to 8) of this Chapter is denied a waste discharge license and ordered to terminate the discharge.

~~2. Any applicant for a new waste discharge license who fails to comply with sub-section (a) through (e) above shall be denied a waste discharge license and ordered to terminate the discharge. Any applicant for a new waste discharge license who fulfills sub-section (a) through (e) but fails to comply with sub-sections (f) through (h) above, shall be issued a conditional permit. Sub-section (i) must be met by all applicants. (See Section D of this regulation for conditional permit details.)~~

## **C.5. Renewal of Overboard Discharge Licenses**

**A. License Qualification.** After accepting a renewal receiving a complete application as complete for processing, the Department shall approve renew an overboard waste discharge license only if all of the following criteria are met.

~~(a)(1)~~ The volume or quantity of waste water that is discharged does not exceed the volume or quantity authorized by the previous license or, when multiple discharges are combined into a single outfall, the total volume or quantity of the combined licenses; ~~and,~~

~~(b)(2)~~ The number of months during which the discharge occurs is not more than the number of months authorized by the previous license; ~~and,~~

~~(c)(3)~~ The receiving water is not:

~~(i)~~ A shellfish harvesting area;

~~(ii)(a)~~ A Class GPA, AA, A, or SA water;

~~(iii)(b)~~ A tributary to Class GPA water; or

~~(iv)(c)~~ A waterbody with a drainage area of less than 10 square miles,

unless it is demonstrated to the Department's satisfaction that no alternative to the discharge exists.

~~(d) Removal of the discharge alone or in combination with other discharges will not result in an increase in the dissolved oxygen level of the receiving water of at least one part per million; and~~

~~(e)(4)~~ The discharge meets the requirements of Maine's Pollution Control Laws 38 M.R.S.A. §§ 414-A, Maine's Water Classification Laws 38 M.R.S.A. §§ 464 to 470. ~~464, 465, 465-A, and 465-B; and,~~

~~(f)(5)~~ A subsurface wastewater disposal system cannot be installed in compliance with the ~~State of Maine Subsurface Waste Water Disposal Rules~~ Subsurface Rules, 10-144 CMR 241, on land owned or controlled by the applicant; ~~and,~~

~~(g)(6)~~ A publicly owned sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use; ~~and,~~

~~(h)(7)~~ The discharge is not located within the boundaries of a sanitary or sewer district and the district has not agreed to service and maintain a holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district; ~~and,~~

~~(i)(8)~~ The discharge is not a seasonal residential overboard discharge located on the mainland or on any island connected to the mainland by vehicle bridge or scheduled car ferry service; and removal of the discharge, alone or in combination with other discharges will result in the opening of a shellfish harvesting area; and,

~~(j)(9)~~ The discharge receives best practicable treatment consistent with requirements included under pursuant to Section K-10 of this regulation Chapter.

**B. Prohibited Increases.** An increase in wastewater volume resulting from the addition of a structure that was not in continuous existence for 12 months preceding June 1, 1987 is prohibited unless a discharge from the structure was authorized by the previous license. An increase in wastewater volume from a structure may be allowed in cases where the administrative record clearly demonstrates that the Department made an error or omission during previous licensing

approvals for that facility. The addition may not exceed the corrected discharge volume during the qualifying time period.

**C. Disqualification of Increases.** The Department may only renew a waste discharge license if the applicant demonstrates compliance with subsection A. The Department may issue a waste discharge license for the allowable discharge and may require the removal of any non-compliant portions of the discharge.

**D. Treatment System Installation.** A waste discharge license may not be renewed unless the licensed waste water treatment facilities are constructed and operable.

- ~~2. Any application for the renewal of a waste discharge license where the applicant or a prior licensee has added waste water from a discharge system which was in continuous existence for the 12 months preceding June 1, 1987, and which was not authorized by a previous waste discharge license shall be considered a request for a new waste discharge license and processed pursuant to Section B of this regulation.~~
- ~~3. The addition of waste water from a structure which was not in continuous existence for 12 months preceding June 1, 1987 shall be prohibited unless a discharge from the structure was authorized by the previous license.~~
- ~~4. The Department may not issue a waste discharge license to an applicant for renewal of a waste discharge license if the applicant fails to demonstrate compliance with sub-section 1(a), 1(b), or 1(j). The Department may issue a conditional permit to an applicant who fails to demonstrate compliance with sub-section 1(c) through 1(i).~~
- ~~5. After January 1, 1993, a waste discharge license shall not be renewed unless the licensed waste water treatment facilities are constructed and operable.~~

#### **~~D. Conditional Discharge Permits~~**

- ~~1. The Department shall issue a conditional discharge permit when the renewal of an overboard discharge license is denied in accordance with Subsections B (2), or C (4).~~
- ~~2. Conditional discharge permits shall expire:~~
  - ~~(a) Six months after the permittee is offered a grant of money for the Department's share of the cost of constructing an alternative waste water disposal system;~~
  - ~~(b) Six months after an alternative method of waste water disposal is determined to be available to the permittee; or~~
  - ~~(c) Five years after the date of issuance, if neither (a) nor (b) above is applicable.~~

#### **E.6. License and Permit Conditions**

- ~~1. Overboard discharge licenses and conditional discharge permits issued by the Department shall contain appropriate standard conditions and any other special conditions deemed necessary by the Department to achieve compliance with the laws of the State of Maine.~~
- ~~2. The waste discharge volume limit of the renewed license or permit shall be the lesser of the following:
 
  - ~~(a) The volume limit of the previous license or licenses;~~
  - ~~(b) The volume equal to the actual or estimated volume produced by the facilities or structures specified in the most recent application received on or before June 1, 1987 or the actual or estimated volume produced by the facilities or structures in existence on June 1, 1987, whichever is greater.~~~~
- ~~3. The months during which a discharge can occur shall be limited to the following:
 
  - ~~(a) If the previous license restricted the months during which a discharge could occur, the license being issued shall restrict the discharge to the same months; or~~
  - ~~(b) If the previous license contains no such restriction and the discharge is from a seasonal overboard discharge the license being issued shall restrict the discharge to the period of May 1, to October 15 or the actual months of the discharge as of June 1, 1987, as demonstrated by the applicant whichever is greater.~~~~

~~**F. Transfers of Waste Discharge Licenses and Conditional Permits.** Every license or permit issued by the Department is non-transferable unless written consent to transfer the license or permit is applied for and obtained from the Department. Such written consent must be applied for within two weeks subsequent to any transfer or assignment of~~

**A. Standard and Special Conditions.** Overboard discharge licenses issued by the Department must contain appropriate standard conditions and any other special conditions deemed necessary by the Department to achieve compliance with Maine laws. The standard conditions will include any applicable standards identified in Chapter 523, Section 2, and Chapter 525, Section 3.

**B. Volume Limitation.** The waste discharge volume limit of the renewed license is determined as follows.

(1) If the facility is a college, university, school union or school administrative unit, the discharge volume limit is:

(a) The limit imposed by the previous license or permit; or

(b) The actual or estimated flow at the time of current application if a license volume increase is necessary; or

(c) An alternate limit if (b) above will violate 38 M.R.S.A. § 464, or 465.

(2) If Section 6, Paragraph (B)(1) above is not applicable, the discharge volume limit is the lesser of the following:

(a)The volume limit of the previous license or licenses, unless it is determined that the Department made an error during the prior licensing as described in Section 5(B); or

(b)The volume equal to the actual or estimated volume produced by the facility connected to the overboard discharge system during the 12 months prior to June 1, 1987.

(3) Unless defined otherwise in the license, volume limitations are daily maximum limit.

**C. Seasonal Use Determination.** The months during which a discharge can occur is limited in a license to the following.

(1) The actual use of the facility at the time of the most recent license application filed prior to June 1, 1987; or the actual use of the facility during the 12 months prior to June 1, 1987 whichever is greater;

(2) If the facility was the primary residence of the owner at the time of the most recent application filed prior to June 1, 1987 or during the 12 months prior to June 1, 1987, the facility is considered to have a year-round discharge;

(3) If the previous license restricted the months during which a discharge could occur, the license being issued must restrict the discharge to the same months; or

(4) If the previous license authorized the discharge for more than six months, the license being issued must authorize year-round use;

**D. Seasonal Use Limitation.** If the discharge is determined to be seasonal the license being issued shall restrict the discharge to the period from April 15<sup>th</sup>, to November 1<sup>st</sup> or the actual months of the discharge as of June 1, 1987, as demonstrated by the applicant whichever is greater.

**E. Special Conditions For Mechanical Treatment Systems**

(1) The licensee shall maintain a service contract for any and all treatment equipment and facilities with a service organization or individual acceptable or to the Department. A signed copy of the service contract must be forwarded or presented to the Department upon request for review and approval.

(2) An alarm system of a design approved by the Department staff must be installed. The alarm system must be connected to and visible at a central location.

(3) A tag, provided by the service contractor, must be attached to the treatment system or displayed near the treatment system in an accessible manner. The tag must show the name of the service contractor, the date of the most recent visit by the service contractor and the initials of the person conducting the service.

(4) Prior to renewing or transferring the license, the treatment system must have passed 75% of regular compliance inspections. If the treatment system fails to meet this condition, the licensee must install a new treatment system that will meet the license conditions or make operational changes that will result in consistent compliance.

### **F. Special Conditions For Sand Filter Systems**

- (1) At least five (5) working days prior to the construction of an approved sand filter, the licensee shall contact the Department to schedule inspection of the system during construction.
- (2) The licensee shall ensure that the septic tank connected to the sand filter is pumped at least once every three years. Periodic cleaning of the disinfection unit housing chamber may be necessary for removal and proper disposal of any solid material buildup.

### **7. Transfers of Waste Discharge Licenses and Conditional Permits.** Every overboard discharge license or permit issued by the Department may be transferred subject to the following conditions.

**A. Site Evaluation Requirement.** Prior to a property transfer a site evaluation has been performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharges. The site evaluator must explicitly conclude that a non-discharging wastewater disposal system designed in compliance with the Subsurface Rules, 10-144 CMR 241 cannot be installed;

**B. Complete Application Requirement.** A transfer application accepted as complete for processing is received including any other required materials,

~~property subject to a license or permit.~~  
**C. Liability of Parties to Sale.** Pending approval of a transfer or assignment of ownership of any license or permit, the person to whom such property is transferred or assigned shall abide by all of the conditions of such license or permit and shall be jointly or severally liable for any violation of the terms and conditions thereof. Any proposed transferee or assignee shall demonstrate the technical and financial capacity and intent to: (1) comply with all standards of the applicable license or permit, and (2) to satisfy all applicable statutory criteria.

~~1. Licenses and conditional permits issued after the effective date of these regulations may be transferred by rule by submitting a notice of transfer form to the Department. The form shall contain a signed statement by the new owner that he is familiar and can comply with the standards of the applicable license or permit and shall provide the book and page number that the property deed is registered on.~~

**G. Re-opening of Overboard Discharge License.** The Department may initiate the reconsideration of an overboard discharge license in accordance with 38 M.R.S.A. § 347-B if:

- ~~1. The receiving water is determined by the Department of Marine Resources to be a redeemable or open shellfish harvesting area;~~
- ~~2. The discharge does not comply with 38 M.R.S.A. §§ 414-A, 464, 465, 465-A, and 465-B;~~
- ~~3. A partial grant of money is made by the Department to construct an alternative waste water disposal system; or~~
- ~~4. An alternative method of waste water disposal becomes available to the licensee.~~

### **H. Renewal or Transfer of License by Rule**

- ~~1. The Department may issue a license by rule for the renewal of a waste discharge license for discharges of less than 1,000 gallons per day if the following conditions exist:~~
  - ~~(a) The volume or quantity of waste water which is discharged does not exceed the volume or quantity authorized by the previous license or permit; and~~
  - ~~(b) The Department of Marine Resources has determined that the receiving water is not a shellfish harvesting area;~~
  - ~~(c) The receiving water:~~
    - ~~(i) is a Class B, C, SB or SC waterbody;~~
    - ~~(ii) is not a tributary to Class GP A water; and~~
    - ~~(iii) has a drainage area greater than 10 square miles.~~
  - ~~(d) The Department can determine from information in the license file or other sources that:~~
    - ~~(i) A subsurface waste water disposal system cannot be installed in compliance with the State of Maine Subsurface Waste water Disposal Rules on land owned or controlled by the applicant; and~~
    - ~~(ii) A publicly owned sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use; and~~
    - ~~(iii) The discharge is not located within the boundaries of a sanitary or sewer district.~~
    - ~~(iv) The discharge is not a seasonal residential overboard discharge located on the mainland or on any island connected to the mainland by bridge or scheduled car ferry service; and~~
    - ~~(v) The discharge receives best practicable treatment pursuant to Section K of this regulation; and~~
  - ~~(e) The treatment system has been inspected by the Department in the previous 12 months and the most recent inspection found the system to be in compliance with its license; and~~
  - ~~(f) There have been no expansion in the number of months during which the discharge will take place; and~~
  - ~~(g) The discharge meets the requirements of 38 M.R.S.A. §§ 414 A, 464, 465, 465 A, and 465 B; and~~
  - ~~(h) The Department has not received any request for notification of the relicensing of the discharge or of the relicensing of discharges into the receiving water.~~
- ~~2. The procedure for processing and granting a license by rule for overboard discharges shall be as follows:~~

- ~~(a) The Department shall send a licensee a notification from which specifies the following information from the Department's records:~~
  - ~~(i) the name and address of the most recent licensee;~~
  - ~~(ii) the license volume limit of the discharge;~~
  - ~~(iii) a description of the facilities which produce the discharge;~~
  - ~~(iv) the name and classification of the receiving water; and~~
  - ~~(v) the status of the shellfish area if the discharge is into a shellfish area.~~
- ~~(b) The Department shall include with the notification the appropriate set of license standards described in sub-section 3 below.~~
- ~~(c) To apply for a license by rule, an applicant must correct any inaccurate information on the form and return the signed form to the Department. Applicants requesting both a transfer and renewal of a license must also include a copy of their deed.~~
- ~~(d) Within 15 working days of receipt of an application for a license by rule the Department shall respond as follows:~~
  - ~~(i) the discharge as described in the application is authorized; or~~
  - ~~(ii) the discharge does not comply with the standards for the issuance of a license by rule and the applicant must submit an application for a standard waste discharge license or conditional permit.~~

**3. ~~Persons issued a license by rule shall comply with the following conditions:~~**

- ~~(a) The staff of the Department shall have the right of entry for the purpose of inspecting the treatment system and examining records.~~
- ~~(b) Flow measuring facilities of a design approved by the Department may be required to be installed at any time during the operation of the treatment facilities.~~
- ~~(c) Sampling facilities of a design approved by the Department shall be installed at a time prior to the operation of the treatment facilities. Access for periodic sampling and maintenance must be ensured. Disinfection unit and sampling port covers must be accessible at all times.~~
- ~~(d) The Department will be notified immediately of any malfunction of any component of the waste water treatment system. In the event the waste water treatment system malfunctions, the waste water discharge is to cease within 24 hours unless authorization to the contrary is obtained from the staff of the Department.~~

- ~~(e) Periodic operational reports in such form and containing such information as the Department may require shall be completed and signed by the licensee and submitted to the staff of the Department.~~
- ~~(f) All waste waters will be consigned to a municipal treatment system when said municipal system becomes available. This waste discharge license will automatically expire 90 days after a municipal facility becomes available unless this time is extended by the Department, in writing, for good cause shown.~~
- ~~(g) Treatment facilities will be installed according to Department specifications and be operational prior to the discharge of any waste waters.~~
- ~~(h) The final effluent pipe must be maintained in the receiving waters in such a manner that mixing and effective dispersion of the waste waters will be achieved and that contact with the effluent will be minimized.~~
- ~~(i) Chlorination shall be used as a means of disinfection. A minimum detention time of 20 minutes in an approved contact chamber shall be provided at all times. The total chlorine residual in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving water. At no time shall the total chlorine residual of the effluent exceed 1.0 mg/l.~~
- ~~(j) The pH of the effluent shall not be less than 6.0 or greater than 8.5.~~
- ~~(k) The effluent shall contain no visible oil sheen, foam, or floating solids.~~
- ~~(l) The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life; or which would impair the uses designated by the classification.~~
- ~~(m) The discharge shall not cause visible discoloration which would impair the uses designated by the classification.~~
- ~~(n) Notwithstanding specific conditions of this license the effluent must not lower the water quality standards or impair the uses designated by the classification of the receiving waters.~~
- ~~(o) The discharge shall not cause turbidity in the receiving waters to exceed control values measured upstream of the discharge point which would impair the uses of the receiving waters designated by the classification.~~
- ~~(p) The licensee shall not discharge or cause to be discharged any materials designated as hazardous or toxic under the provision of Section 12, Federal Water Pollution Control Act, as amended, 33 U.S.C. 1162 (1971) or by the Department or which are known by the licensee to be hazardous or toxic.~~
- ~~(q) This license does not preclude obtaining other required Federal, State or Municipal permits.~~
- ~~(r) The issuance of this license does not convey any property rights or authorize injury to public or private property.~~

~~(s) The effluent from the treatment system shall not exceed the following limits:~~

~~Five day biological oxygen demand (BOD) and total suspended solids (TSS)~~

~~30 mg/l Monthly Average Concentration 60 mg/l Daily Maximum Concentration~~

~~Settleable Solids 0.1 ml/l~~

~~Fecal Coliform Bacteria 200/100 ml~~

~~(t) The weekly average volume of the discharge shall not exceed the volume specified on the attached notification form.~~

~~(u) The licensee shall pay an annual inspection fee to the Department. Payment of the fee shall be due within 30 days after mailing of a bill by the Department.~~

~~(v) During the term of this license, the Department may request that the licensee investigate alternative waste water disposal methods which are consistent with the State of Maine Subsurface Waste water Disposal Rules. The licensee shall submit a report of the investigation within six months after a request by the Department.~~

~~(w) The licensee shall terminate the discharge and install an alternative waste water disposal system consistent with the State of Maine Subsurface Waste water Disposal Rules within six months after being notified that funds are available from the Department to install such a system.~~

~~(x) Special Conditions For Mechanical Treatment Systems~~

~~(i) The licensee shall maintain a service contract for any and all treatment equipment and facilities with a service organization acceptable to the Department. A signed copy of the service contract must be forwarded or presented to the Department staff upon request.~~

~~(ii) An alarm system of a design approved by the Department staff will be installed. The alarm system must be connected to a central location.~~

~~(iii) A tag, provided by the service contractor, shall be attached to the treatment system or displayed near the treatment system in an accessible manner. The tag shall show the name of the service contractor, the date of the most recent visit by the service contractor and the initials of the person conducting the service.~~

~~(y) Special Conditions For Sandfilter Systems~~

~~(i) At least five (5) working days prior to the construction of the sandfilter the licensee shall contact the Department staff in order that an inspection of the construction may be made.~~

~~(ii) The licensee shall ensure that the septic tank is pumped at least once every three years. Periodic cleaning of the disinfection unit housing chamber may be necessary for removal and proper disposal of any solid material buildup.~~

~~(z) Definitions. For the purpose of this license the following definitions shall apply:~~

~~(i) Daily Maximum for Concentration: The maximum value not to be exceeded by any composite of grab samples.~~

~~(ii) Monthly Average for Concentration: The total discharge by weight during a calendar month divided by the number of days in the month that the facility was operating. Where less than daily sampling is required by this license, the monthly average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.~~

~~(iii) Licensee: The person identified on the notification form as applying for the license.~~

**I.8. Abandonment of Overboard Discharge Systems.**~~1. — After~~When an overboard discharge ~~has permanently ceased or has not been relicensed by the Department, it shall be abandoned within six months~~treatment system is not longer necessary or is replaced by an alternative treatment system, it must be properly abandoned within 90 days as follows:

~~(a) Any exposed portion of the final effluent line shall be removed and the remaining effluent pipe permanently sealed;~~

~~(b) Waste~~**A. Residual Wastewater.** Waste water remaining contained in the system ~~shall~~must be discharged in accordance with the active or most recently expired license or permit or removed and disposed at a facility authorized by the Department to receive such wastes. The property owner must also perform the following , as applicable.

~~(i)~~**(1)** Mechanical treatment systems must be aerated until 24 hours before they are emptied. After the contents have settled, the supernatant liquid may be discharged through the chlorinator at a rate ~~which~~that does not exceed the design capacity of the chlorinator or the chlorine detention tanks. Waste water containing settled solids ~~shall~~may not be discharged to the water;

~~(ii)~~**(2)** The contents of the chlorinator may be emptied to the water no sooner than 30 minutes after last receiving waste water. Any solids contained in the chlorinator ~~shall~~may not be discharged to the water; and

~~(iii)~~**(3)** Any tanks which contain untreated or primary treated waste water, including but not limited to septic tanks and grease traps, ~~shall~~may not be discharged directly or indirectly to the water.

~~(c) All tanks including but not limited to, grease traps, septic tanks, mechanical treatment systems, pump stations and chlorinator tanks which are not utilized as part of an alternative method of waste water disposal shall be disconnected and filled with soil or removed.~~

~~(d)~~**B. Sand Filters.** If the abandoned treatment system is a ~~sand filter with~~sand filter with a capacity of less than 1000 gallons per day, the chlorine contact tank ~~shall~~must be removed and the hole filled with crushed gravel to serve as a dry well. If the capacity of the sand filter

is 1000 gallons per day or greater, the downgradient end ~~if the sandfilter shall~~ of the sand filter must be excavated and the liner punctured sufficiently to allow rain water to drain.

- ~~2. The permittee or licensee shall notify the Department of the abandonment within 5 days of its completion.~~ **C. Tanks.** All tanks including but not limited to, grease traps, septic tanks, mechanical treatment systems, pump stations and chlorinator tanks that are not utilized as part of an alternative method of waste water disposal must be disconnected and filled with soil or removed.

**D. Effluent Pipe.** Any exposed portion of the final effluent line must be removed and the remaining effluent pipe permanently sealed;

## **9. Additional Permitting and Notification Requirements**

### **J.A. Natural Resources Protection Permit by ~~Rule~~**

- ~~1. Persons who hold~~ **Rule Exemption.** A licensee who holds an overboard discharge license or conditional discharge permit are not required to obtain a permit under the *Natural Resources Protection Act* ~~Permit pursuant to~~ 38 M.R.S.A § 480-C for the installation, maintenance or abandonment of waste water treatment ~~facilities~~ facility or the installation of an alternative a waste water disposal system. Construction or abandonment activities, however, ~~shall comply with the following conditions:~~ must comply with all the requirements of the applicable Natural Resources Protection Act standards.

- ~~(a) No soil shall be disturbed between March 1 and April 15, nor during any other time when soils are saturated due to rain or snow melt;~~
- ~~(b) Disturbed soil shall not be left exposed for longer than one week. Exposed soil shall be mulched with hay or straw at a rate of one bail per 500 square feet. On steep slopes or areas exposed to wind, the mulch shall be anchored with netting, peg and twine or other suitable method;~~
- ~~(c) Where necessary additional erosion control methods shall be used to prevent the erosion of soil into the water. It is the responsibility of the licensee or permittee to prevent soil erosion;~~
- ~~(d) Within two weeks of completion of earth moving activities, all areas of disturbed soil shall be seeded with grass, limed at a rate of 130 lbs./1000 sq. ft., fertilized with 10-10-10 fertilizer at a rate of 14 lbs./1000 sq. ft. and mulched. For fall and winter construction, seeding and fertilizing shall be conducted by June 15th of the following spring;~~
- ~~(e) No power equipment shall be operated in the water except that equipment operating on shore may, when necessary, reach into the water with a bucket or similar device;~~
- ~~(f) All heavy equipment which must travel and work on wetland vegetation shall travel on mats or platforms in order to protect the vegetation;~~
- ~~(g) The width of the outfall pipe trench shall not be greater than 30 inches. Wetland vegetation shall be removed and set aside. The trenched area shall be restored to its original grade and elevation and the wetland vegetation shall be replaced; and~~

~~(h) Except for the installation of the outfall line, no excavation, filling or construction shall take place on any coastal wetland, freshwater wetland, great pond, river, stream or brook.~~

**2. ~~The~~B. Notification Requirement.** The licensee or the licensee's agent must notify the Department of the proposed installation, modification or abandonment of waste water treatment facilities or installation of an alternative waste water disposal system at least five (5) working days before commencing work. The notification ~~shall~~must be sent to:

~~Division of Water Resource Regulation~~Overboard Discharge Program  
Bureau of Land and Water Quality  
Department of Environmental Protection.  
State House Station 17  
Augusta, ME 04333-0017

**~~K.10.~~ Best Practicable Treatment for Overboard Discharges.** Best practicable treatment ~~for overboard discharges shall be as follows;~~must be determined by the process defined in the Department's Criteria and Standards for Waste Discharge Licenses, 06-096 CMR 524 unless specifically defined in the Effluent Guidelines and Standards, 06-096 CMR 525 or the Section.

**A. Treatment Requirements for Combined Blackwater and Graywater Discharges.** All overboard discharge wastewater must receive best practicable treatment is as follows.

(1) A non-discharging wastewater disposal system designed and installed in compliance with the Subsurface Rules, 10-144 CMR 241, or connection to a publicly owned sewage collection and treatment system.

(2) A holding tank, where Section 10, Paragraph (A)(1), of this Chapter is not feasible and the facility is a seasonal overboard discharge located on the mainland or an island connected by vehicle bridge or scheduled car ferry service as long as the discharge's removal, alone or in conjunction with other discharges would result in the opening of a shellfish harvesting area.

~~(a) Where~~(3) Where Section 10, Paragraph (A)(1) of this Chapter ~~has been demonstrated not feasible and~~ the conditions described in ~~(b) and (c) Paragraph 4 below of this Chapter~~ are not applicable, a septic tank followed by treatment in a sand filter bed followed by disinfection ~~shall be~~is deemed best practicable treatment. The ~~sand filter shall~~sand filter must be of a Department approved design and ~~shall~~must be sized to provide a minimum treatment area of one gallon per square foot per day; or  
~~day.~~

~~(b)(4)~~ Where kitchen waste water or similar effluents containing a significant quantity of oil or grease are discharged, or where small property lot sizes will not accommodate the installation of a sand filter, a mechanical treatment system using an aeration and settling process followed by disinfection shall be deemed best practicable treatment.~~(Discharges in this category may also include human waste.) Only plants certified by the National Sanitation Foundation (NSF) shall be licensed by the Department.~~ The licensee ~~shall~~must maintain a service contract with a person certified pursuant to ~~Department Regulation Chapter 517.~~Chapter 517 of the Department's Rules.

~~(c) Where solely graywater discharges exist, the best practicable treatment shall be a graywater~~**B.**

**Treatment Requirements for Graywater Discharges.** Where Section 10, Paragraphs (A)(1 and 2) of this Chapter are not feasible, appropriate treatment for graywater is a settling tank followed by disinfection.

**C. Treatment Requirments for Remote Islands with Intermittant power supplies or primitive water supplies.** Where conditions exist that make installation or operation of treatment systems meeting Section 10, Paragraphs (A)(1 to 4) difficult, the licensee must submit a plan to provide the highest appropriate level of wastewater treatment to the Department for approval prior to relicensing.

~~**L. Applicability.** These regulations shall apply~~**11. Applicability.** This chapter applies to all decisions by the Commissioner or Board~~Department~~ affecting the overboard discharge licenses issued on or after the effective date of this ~~regulation, chapter.~~

AUTHORITY: 38 M.R.S.A., Sections ~~413(3), 414(3-A),~~ 414-A(1)(B), 464 (4)(A), 464 (4)(G), 464 (7), 464(8)

EFFECTIVE DATE: January 5, 1991 (Replaced Chapter 541)

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 4, 1996

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### **BASIS STATEMENT**

~~In 1989 the State of Maine Legislature substantially revised the Overboard Discharge Law. This made many provisions of the prior rule obsolete. The revised rule specifies under which circumstances a new overboard discharge license can be issued; an existing license renewed; a conditional permit can be issued and licenses and permits transferred. In addition, it provides criteria for abandonment of overboard discharge systems.~~

EFFECTIVE DATE (AMENDMENT):